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HOUSE BILL 199

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Fred Luna

AN ACT

RELATING TO THE PRACTICE OF OPTOMETRY; AMENDING AND ENACTING
CERTAIN SECTIONS OF THE OPTOMETRY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-2-2 NMSA 1978 (being Laws 1973,
Chapter 353, Section 2, as amended) is amended to read:

"61-2-2. DEFINITIONS. -- As used in the Optometry Act:

A. "practice of optometry" [~~(1)~~] means:

[~~(a)~~] (1) the employment of any subjective or
objective means or methods, including but not limited to the
use of lenses, prisms, autorefractors or other automated
testing devices, and includes the prescription or
administration of drugs for the purpose of diagnosing the
visual defects or abnormal conditions of the human eye and its
adnexa; [~~and~~

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1 ~~(b)~~ (2) the employing, adapting or
2 prescribing of preventive or corrective measures by any means,
3 including but not limited to lenses, prisms, light, contact or
4 corneal lenses or other optical appliances, ocular exercises,
5 vision therapy, vision training and vision rehabilitation
6 services, and includes the prescription or administration of
7 all drugs rational for the correction, relief, treatment or
8 referral of visual defects or abnormal conditions of the human
9 eye and its adnexa; and

10 [~~(2) does not include the use of surgery or~~
11 ~~injections in the treatment of eye diseases;~~]

12 (3) the use of surgical procedures and
13 injections for the correction, relief, treatment or referral of
14 visual defects or abnormal conditions of the human eye and its
15 adnexa, including the use of an injection to treat anaphylactic
16 reaction but excluding full thickness incision surgery, vitreo
17 retinal surgery or intraocular injections or retro-bulbar
18 injections in the treatment of eye disease;

19 B. "ophthalmic lens" means a lens that has a
20 spherical, cylindrical or prismatic value, is ground pursuant
21 to a prescription and is intended to be used as eyeglasses;

22 C. "contact lens" means a lens, including a plano
23 lens, to be worn on the anterior segment of the human eye;

24 D. "prescription" means a written order by an
25 optometrist or a physician for an individual patient for:

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- 1 (1) ophthalmic lenses;
2 (2) contact lenses; or
3 (3) a topical ocular pharmaceutical agent or
4 an oral pharmaceutical agent that is regulated pursuant to the
5 New Mexico Drug, Device and Cosmetic Act;

6 E. "eyeglasses" means an exterior optical device
7 using ophthalmic lenses for the correction or relief of
8 disturbances in and anomalies of human vision; and

9 F. "board" means the board of optometry. "

10 Section 2. Section 61-2-10.2 NMSA 1978 (being Laws 1995,
11 Chapter 20, Section 5, as amended) is amended to read:

12 "61-2-10.2. [~~DESIGNATION OF~~] ORAL PHARMACEUTICAL AGENTS--
13 CERTIFICATION FOR USE OF CERTAIN AGENTS. --

14 A. Subject to the provisions of the Optometry
15 Act, optometrists qualified and certified by the board may
16 prescribe or administer [~~the following classes of~~] oral
17 pharmaceutical agents,

18 [~~(1) anti-infective medications, not~~
19 ~~including antifungals;~~

20 [~~(2) anti-glaucoma medications, not~~
21 ~~including osmotic medications;~~

22 [~~(3) anti-allergy medications;~~

23 [~~(4) anti-inflammatory medications, not~~
24 ~~including oral corticosteroids and immunosuppression agents;~~
25 and

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1 Act and shall successfully complete the board's examination
2 in diagnostic, topical and oral pharmaceutical agents prior
3 to licensure.

4 D. The certification authorized by this section
5 shall be displayed in a conspicuous place in the
6 optometrist's principal office or place of business. "

7 Section 3. A new section of the Optometry Act is
8 enacted to read:

9 "[NEW MATERIAL] CERTIFICATION FOR USE OF SURGICAL
10 PROCEDURES AND INJECTIONS. --

11 A. Except as provided in Subsection D of this
12 section, no person shall use surgical procedures and
13 injections in the practice of optometry without first being
14 certified for such use by the board pursuant to the
15 provisions of this section.

16 B. The board shall issue certification for the
17 use of surgical procedures and injections to licensed
18 optometrists who:

19 (1) have been certified to prescribe and
20 administer oral pharmaceutical agents pursuant to Section
21 61-2-10.2 NMSA 1978; and

22 (2) submit proof to the board of having
23 successfully completed education from a school or college of
24 optometry, approved and accredited by the board,
25 demonstrating that the optometrist is competent in the use of

1 those surgical procedures and injections included in the
2 practice of optometry.

3 C. The certification authorized by this section
4 shall be displayed in a conspicuous place in the
5 optometrist's principal office or practice location.

6 D. Nothing in this section requires certification
7 for a licensed optometrist to insert punctal plugs, treat the
8 lacrimal gland and lacrimal drainage system, remove foreign
9 bodies or epilate eyelashes. "

10 Section 4. EFFECTIVE DATE. --The effective date of the
11 provisions of this act is July 1, 2005.